IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO. 10856 of 2005

Between:

Ayyappa Trading Company rep.,

by its Proprietor C.R.Shiv Kumar, s/o Ramalingam
Malipuram Village, Thanda Tirumalagiri Mandal,

Nalgonda District.

..... PETITIONER

AND

1 Indian Oil Corporation rep., by its Senior Divisional Retail Sales

Manager, Divisional Office, GVR Towers, Third Floor,

Bharathi Nagar, Ring Road, Vijayawada.
2 The Senior Divisional Manager, Indian Oil Corporation Limited,

Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent No.1 in issuing show cause notice vide Ref.No.Ng/1 dt.22-4-2005 (received on 29-4-2005 by the petitioner) proposing to terminate the dealership (RO) of the petitioner company as arbitrary, unreasonable, illegal, improper, contrary to guidelines issued by the 1st respondent and set aside the same and further direct the respondents to restore the supply to the petitioners retail outlet and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.SREE RANGA RAO

Counsel for the Respondent NoS.1 AND 2: MR.P.V.SANJAY KUMAR

The Court at the admission stage made the following:

ORDER:

The writ petition is directed against a show cause notice dated 22.04.2005 of the 1st respondent calling upon the petitioner to submit his explanation to a prima facie conclusion that the petroleum products at the petitioner's retail outlet on having been tested by the field officer of the 1st respondent for RON, and were found adulterated.

On the aforesaid prima facie conclusion, the petitioner was called upon to show cause within 5 days from the receipt of the notice failing which action as per law would be initiated including for termination of the petitioner's dealership. The petitioner states to have submitted his explanation. He, however, apprehends, on the basis of which the writ petition is filed, that the 1st respondent would terminate his dealership, notwithstanding his explanation.

There appears no discernable cause for the petitioner's apprehension. As and when any final orders prejudicial to him are passed by the 1st respondent on the impugned show cause notice and after considering the explanation of the petitioner, the petitioner is at liberty to pursue appropriate remedies. This writ petition is premature and is accordingly dismissed. No order as to costs.

Dated: 03.05.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Senior Divisional Retail Sales Manager,

Indian Oil Corporation, Divisional Office,

GVR Towers, Third floor, Bharathi Nagar,

Ring Road, Vijayawada

2. The Senior Divisional Manager,

Indian Oil Corporation Limited, Warangal

3. Two CD copies